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## FAX COVER SHEET

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**DATE:** April 30, 2004  
**TO:** Mail Stop Non-Fee Amendment  
**FROM:** Eric Cernyar, Reg. No. 45,919  
**RE:** Response to Office Action in 09/488,390  
**FAX #:** (703) 872-9306

No of pages (including this cover sheet): 11

### MESSAGE:

Re: Applicant: David M. Tumey  
Serial No.: 09/488,390  
Filed: 1/19/2000  
Examiner: Vikkram Bali  
Art Unit: 2623  
Title: Animated Toy Utilizing Artificial Intelligence  
and Facial Image Recognition  
Our File No.: TUMEY.001

Enclosed please find:

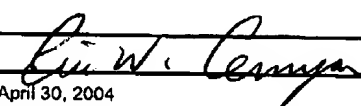
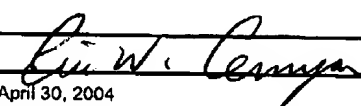
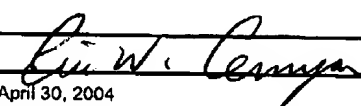
1. Transmittal Form; and
2. Response to Office Action

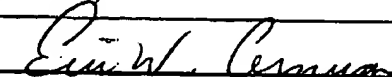
PTO/SB/21 (02-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/488,390
	Filing Date	1/19/2000
	First Named Inventor	David M. Turney
	Art Unit	2623
	Examiner Name	Ball, Vikram
	Attorney Docket Number	TUMEY.001
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)											
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):									
Remarks											
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b> <table border="1"> <tr> <td>Firm or Individual name</td> <td colspan="2">Eric W. Cernyar, Reg. No. 45,919</td> </tr> <tr> <td>Signature</td> <td colspan="2"></td> </tr> <tr> <td>Date</td> <td colspan="2">April 30, 2004</td> </tr> </table>			Firm or Individual name	Eric W. Cernyar, Reg. No. 45,919		Signature			Date	April 30, 2004	
Firm or Individual name	Eric W. Cernyar, Reg. No. 45,919										
Signature											
Date	April 30, 2004										

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Eric W. Cernyar	
Signature		Date April 30, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 30 2004

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Appl. No. : 09/488,390  
Applicants : David M. Tumey, Tianning Xu  
Filed : 01/19/2000  
Title : Animated Toy Utilizing Artificial Intelligence and Facial Image  
Recognition  
Assignee : Intelligent Verification Systems  
TC/A.U. : 2623  
Examiner : Vikkram Bali  
Docket No. : Tumey.001

Confirmation Number: 4399

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO JANUARY 30, 2004, OFFICE ACTION**

Sir:

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begin on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.